

(1) Petition for Settlement of First and Final Account; Petition for Final Distribution and for (2) Allowance of Ordinary and Extraordinary

DOD: 1-1-85
Cont. from 082714
Aff.Sub.Wit.
✓ Verified
✓ Inventory
✓ PTC
✓ Not.Cred.
✓ Notice of Hrg
✓ Aff.Mail W
Aff.Pub.
Sp.Ntc.
Pers.Serv.
Conf. Screen
✓ Letters 8-27-07
Duties/Supp
Objections
Video Receipt
CI Report
9202 ✓
Order ✓
Aff. Posting
Status Rpt
UCCJEA
Citation
N/A FTB Notice

DORIS A. JOHNSON, Administrator with Full IAEA with bond of \$75,000.00, is Petitioner.

Account period: 1-1-85 through 7-18-14
 Accounting: \$35,000.00
 Beginning POH: \$35,000.00
 Ending POH: \$7,401.44 (cash)

Administrator (Statutory): \$760.00

Administrator (Extraordinary): \$1,000.00
 (for the sale of the real property)

Attorney (Statutory): \$760.00

Attorney (Extraordinary): \$1,000.00
 (for the sale of the real property)

Administrator requests reimbursement) for the following expenses totaling \$13,835.31:

- \$8,419.43 for payments to City of Fresno for lien against the real property from 2001 through 2005 (see itemization)
- \$1,015.88 for property tax payments from 2002 through 2014 (see itemization)
- \$4,400.00 was paid for disking, weeding, and general cleanup; however, itemization is not provided since there is not sufficient cash in the estate for reimbursement of these expenses

Petitioner states the estate is insolvent and the remaining balance after payment of closing expenses should be distributed to Doris A. Johnson for reimbursement of expenses advanced for the benefit of the estate to the extent of the remaining assets.

Petitioner prays for an order that:

- Administration of this estate be closed;
- The first and final account be approved;
- Petitioner be allowed the sum of \$1,760.00 as its fee for ordinary and extraordinary services to the estate;
- Petitioner's attorney be allowed the sum of \$1,760.00 as its fee for ordinary and extraordinary services to the estate;
- All acts, transactions, sales, and investments of the personal representative be ratified, approved, and confirmed; and
- The remaining balance of the estate in the amount of \$3,881.44 be distributed to Petitioner as reimbursement for expenses advanced to the benefit of the estate.

NEEDS/PROBLEMS/COMMENTS:

Note: The intestate heirs to this estate would be Petitioner Doris Johnson, her two siblings Mildred Hodges and Leonard Bradley, and the issue of a post-deceased sibling Edna Cox: Darryl Cox, Cynthia Clanton, and Sharon Cox-Plousha.

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 9-22-14

Updates:

Recommendation:

File 1 – Bradley

Page 2

NEEDS/PROBLEMS/COMMENTS: Prior Examiner Notes noted the following:

1. This estate was opened in 2007 and sat dormant for seven years, incurring expenses, without any status report filed with the Court or served on heirs.

This does not appear to have been a benefit to the estate; rather, it appears to have been detrimental. Petitioner does not address why the estate was not closed timely pursuant to Probate Code §12200.

Examiner notes the following circumstances:

2. (Cont'd): The I&A filed in 2007 valued the real property at \$35,000.00 as of the decedent's date of death, which was in 1985; however, in 2007, the property's value was estimated at \$75,000.00. Bond was fixed at \$75,000.00 because Administrator was granted authority under IAEA to sell the property.

If the estate had been administered timely, there may have been proceeds available for distribution to the heirs. However, because it was not, the value decreased significantly between 2007 and 2014 and the Administrator incurred \$13,835.31 in expenses for which she now requests reimbursement, as well as expenses for bond premiums for seven years, for which she has apparently already reimbursed herself per the disbursements schedule.

Petitioner requests the Court approve all acts and transactions of the Administrator, without addressing these circumstances, and stating that her expenses incurred were beneficial to the estate. Need clarification.

3. Petitioner requests the full amount of statutory compensation as well as extraordinary compensation for herself and her attorney. The Court may require clarification with reference to the above circumstances and Probate Code §§ 12200 (noticed final account or report of status) and 12205 (Court may reduce compensation).
4. The Court may require notice to the surety for any further or continued hearing on this matter.

Note: Bond of \$75,000.00 was filed on 8-27-07 per Court records (Banner); however, the original bond does not appear to be in the file. The Court may require a copy of the bond for the file.

Minute Order 8-27-14: Counsel is to file declaration regarding issues and why fees should not be reduced. Based on the information the Court is satisfied that Ms. Johnson has been continuously handling the Estate and Property has been listed since 2008. Continued to 9/24/14.

Declaration of Doris A. Johnson Re: Delay in Distribution of Estate filed 9-11-14 states that at the time her mother passed away in 1985, her brother was living in the property and everyone agreed to let him stay there. He was paying the property taxes and another sister was supposed to take care of insurance. In 1995, the house was destroyed by fire and it was discovered that the insurance had lapsed so there was no money to rebuild it. In 1997, Ms. Johnson tried to settle the estate via petition to determine succession; however, there were issues with other heirs. In 2001, they were starting to get inquiries from people interested in buying the property, and in 2007 a realtor informed her that the property could be sold, so she retained an attorney to proceed with the sale. However, no offers were received. She re-listed the property in 2008. The first offer received was in 2014 for \$19,000. Despite having authority, Court order confirming the sale was necessary because of objections to the sale. As shown in the account, she has paid from her own pocket the liens against the property. The delay in closing the estate was due to the real estate market and not because of any lack of diligence to sell the property.

(1) First and Final Report of Executor on Waiver of Account and (2) Petition for Final Distribution and (3) for Allowance of Compensation to Executor and Attorneys for Ordinary Services

DOD: 12/03/11		MICHAEL R. HAYS , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition does not address notice to the Franchise Tax Board as required pursuant to Probate Code § 9202(c). <u>Note:</u> All beneficiaries have waived Notice of Hearing.
		Accounting is waived.	
		I & A - \$163,372.97	
		POH - \$160,488.01 (\$8,488.01 is cash)	
Conf. from		Executor - \$5,901.19 (statutory)	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$634.15 (less than statutory)	
<input checked="" type="checkbox"/>	Verified	Costs - \$1,452.67 (filing fees, publication, certified copies, probate referee)	
<input checked="" type="checkbox"/>	Inventory	Closing - \$500.00	
<input checked="" type="checkbox"/>	PTC	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/>	Not.Cred.	Christine Louise Hays aka Christine Hays Slater - ¼ undivided interest as a Tenant in Common to a ½ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); ¼ undivided interest in all items of personal property located at the recreational residence; ¼ undivided interest in 1975 16 foot Sailboat; and ¼ undivided interest in 1978 Valco aluminum fishing boat	
<input type="checkbox"/>	Notice of Hrg	Ann Hays Walorinta - ¼ undivided interest as a Tenant in Common to a ½ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); ¼ undivided interest in all items of personal property located at the recreational residence; ¼ undivided interest in 1975 16 foot Sailboat; and ¼ undivided interest in 1978 Valco aluminum fishing boat	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	05/17/12	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	X	

Continued on Page 2

Lynn Hays Kyle - $\frac{1}{4}$ undivided interest as a Tenant in Common to a $\frac{1}{2}$ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); $\frac{1}{4}$ undivided interest in all items of personal property located at the recreational residence; $\frac{1}{4}$ undivided interest in 1975 16 foot Sailboat; and $\frac{1}{4}$ undivided interest in 1978 Valco aluminum fishing boat

Michael R. Hays - $\frac{1}{4}$ undivided interest as a Tenant in Common to a $\frac{1}{2}$ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); $\frac{1}{4}$ undivided interest in all items of personal property located at the recreational residence; $\frac{1}{4}$ undivided interest in 1975 16 foot Sailboat; and $\frac{1}{4}$ undivided interest in 1978 Valco aluminum fishing boat; 23 guns; and miscellaneous shop and gardening equipment

(1) First and Final Report of Executor on Waiver of Account and (2) Petition for Final Distribution and (3) for Allowance of Compensation to Executor and Attorneys for Ordinary Services

DOD: 12/23/11		CHRISTINE HAYS , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 2. The Petition does not address notice to the Franchise Tax Board as required pursuant to Probate Code § 9202(c). <u>Note:</u> All beneficiaries have waived Notice of Hearing. <u>Note:</u> Consistent with the Court's recent practice, the Court may require a closing reserve greater than \$5,000.00 be subjected to an informal accounting within 6 months after the distribution order. If the Court determines an informal accounting of the closing reserve is warranted, a Status Hearing will be set as follows: <ul style="list-style-type: none"> Wednesday, March 25, 2015 at 9:00 a.m. in Dept. 303 for an Informal Accounting of the \$25,000.00 Closing Reserve.
		Accounting is waived.	
		I & A - \$1,859,523.73	
		POH - \$1,778,387.56	
		(\$411,213.70 is cash)	
Cont. from		Executor - \$30,246.84 (statutory)	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$30,246.84 (statutory)	
<input checked="" type="checkbox"/>	Verified	Costs - \$3,001.76 (filing fee, publication, certified letters, recording fees, probate referee)	
<input checked="" type="checkbox"/>	Inventory	Closing - \$25,000.00	
<input checked="" type="checkbox"/>	PTC	Distribution, pursuant to Decedent's will and agreement of the beneficiaries, is to:	
<input checked="" type="checkbox"/>	Not.Cred.	Christine Louise Hays aka Christine Hays Slater - \$80,679.56 cash, Ladies lapis and cultured pearl necklace, bracelet, ring and earrings; ¼ undivided interest as a Tenant in Common to a ½ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); ¼ undivided interest in all items of personal property located at the recreational residence; and various stocks/funds	
	Notice of Hrg	n/a	
	Aff.Mail	n/a	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	05/17/12	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	X	
		Ann Hays Walorinta - \$80,679.56 cash, Ladies platinum diamond wedding set and 14K gold omega style necklace; ¼ undivided interest as a Tenant in Common to a ½ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); ¼ undivided interest in all items of personal property located at the recreational residence; and various stocks/funds	
		Continued on Page 2	

Lynn Hays Kyle - \$80,679.56 cash, Ladies 14K yellow gold ladies ruby and diamond ring; $\frac{1}{4}$ undivided interest as a Tenant in Common to a $\frac{1}{2}$ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); $\frac{1}{4}$ undivided interest in all items of personal property located at the recreational residence; and various stocks/funds

Michael R. Hays - \$80,679.56 cash, one share of capital stock in Reeves Lakeland Company, LTD-Duck Club; Ladies 14K yellow gold diamond pendant set with three diamonds; $\frac{1}{4}$ undivided interest as a Tenant in Common to a $\frac{1}{2}$ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); $\frac{1}{4}$ undivided interest in all items of personal property located at the recreational residence; and various stocks/funds

Atty Wall, Jeffrey L (for Former Administrator Kirk Hagopian)

Atty Morris, Michael J (for Objectors Brandenburger & Davis,

First Amended First and Final Account and Report of Administrator and Petition for Its Settlement and Approval

DOD: 12/7/11		KIRK HAGOPIAN , former Administrator, is petitioner. Kirk Hagopian resigned as Administrator and Gloria Hagopian was appointed Successor Administrator on 5/27/14. All funds except \$5,000.00 were ordered into a blocked account (receipt filed on 7/11/14) Account period: 8/12/12 – 5/5/14 Accounting - \$229,763.00 Beginning POH- \$226,533.35 Ending POH - \$166,207.96	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on all interested parties. 3. Need proof of service with a copy of the Petition on Michael Morris pursuant to the Request for Special Notice filed on 9/10/12. 4. Inventory and Appraisal, partial no. 4, filed on 9/18/14 lists loans to the estate totaling 12,120.27. The inventory and appraisal should only list assets of the decedent as of the date of death. Any loans to the estate should be listed in the receipt schedule. 5. Need Order <p style="text-align: center;">Please see additional page.</p>
Cont. from 061614, 072914			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg X		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioner states that certain cash assets at the time of decedent's death were wrongfully taken by Gaylene Bolanos and her confederates. Petitioner is represented by Fresno attorney Leigh Burnside in a pending action against Gaylene Bolanos and others to recover the wrongfully taken property. Inventory and appraisal, partial no. 1 shows a bank account totaling \$10,268.71 at the time of decedent's death. Petitioner believes that Gaylene Bolanos misappropriated all of the money in the account, because the account was empty when Petitioner presented Letters to the bank after the opening of the estate. Petitioner believes there were other accounts taken by Gaylene Bolanos, but Petitioner did not inventory them because he lacks records that would show the balances. <p style="text-align: center;">Please see additional page</p>	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order X		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT

Reviewed on: 9/22/14

Updates:

Recommendation:

File 4 - Smart

Petitioner states prior to mid-January 2013 the estate had no cash for payment of decedent's funeral expenses, the expenses to maintain decedent's real property prior to sale, and the retainer requested by the attorney Petitioner hired to take action against Gaylene Bolanos and her confederates. Petitioner borrowed \$10,900.00 from a friend named Rich Curll, to pay those expenses.

Petitioner prays for an Order:

1. The first and final account and report of Petitioner as Administrator be settled, allowed and approved as filed;
2. All acts and proceedings of Petitioner during his tenure as Administrator of the Decedent's estate be confirmed and approved;
3. Such further order as the Court considers proper.

NEEDS/PROBLEMS/COMMENTS (Cont.):

6. Petition does not state the status of the litigation against Gaylene Bolanos and her confederates. \$9,500.00 was paid to attorney Jeff Hammerschmidt as a retainer for his services. Court may require more information as to the litigation and the status of the retainer paid to attorney Hammerschmidt. – Declaration of Kirk Hagopian still does not give any information on the status of the retainer paid to Mr. Hammerschmidt. If Mr. Hammerschmidt did not do any work as alleged, then the retainer should be returned. Mr. Hagopian should have received a billing statement from Mr. Hammerschmidt regarding the retainer. The Court will require a copy of the billing statement showing what portion of the retainer was used and what it was used for. In addition, Mr. Hagopian states he has now hired attorney Leigh Burnside to prosecute an action against Ms. Bolanos. Mr. Hagopian states the action is still pending. Examiner was not able to find any action against Ms. Bolanos in Fresno County. Court will require the case number of the action filed against Ms. Bolanos to recover assets.

Please see additional page

Note: Objections filed by Brandenburger & Davis, an heir search company and assignee a portion of the individual interest of several of the intestate heirs of the Decedent, was filed on 6/12/14 (in relation to the previously filed accounting. Many of the issues raised are relevant to this amended accounting). Objector states they represent the interests of intestate heirs on the decedent's paternal side. Decedent's father had four sibling, all of whom are deceased. The persons listed in the objections are issue of those siblings and they are 1st cousins or, in some cases 1 cousins once removed of the decedent. Brandenburger and Davis will file a Petition to Determine Heirship in this matter, if necessary. The persons listed in Petitioner's petition are from the decedent's maternal side. Objector believes that all of the siblings of the decedent's mother, Dolores Milano, died without issue and so the closest maternal heirs of the decedent are second cousins or more remote heirs.

Objector objects to the Petition on the following grounds:

- a. The accounting shows \$9,500 to attorney Hammerschmidt, but there is no details of why Mr. Hammerschmidt was retained or what services he rendered.
- b. In a separate filing in this matter on 10/9/13 to compel delivery of the estate under Probate Code §850, the Petitioner asserts that he inquired about the decedent's assets between January and April 2012 and by April became suspicious of the respondents named in the §850 petition. He alleges that no less than \$150,000 of the estates assets were wrongfully taken. Petition further states that \$10,268.71 which was shown on the opening inventory, partial no. 1 was not in the bank account when the Petitioner presented his Letters of Administration to the bank after the estate was opened. No explanation is offered as to how the respondents in the §850 petition were able to access an account in the name of the decedent or what action was taken, if any, he took to learn from the bank how the funds were released to anyone other than the Petitioner.
- c. The fact that Petitioner may have been duped by people he liked does not relieve him of his fiduciary duties to the estate and its beneficiaries. The Petitioner should provide greater detail of his activities as Administrator.
- d. No bond was required of the Petitioner because he filed waivers of bond by the seven individuals whom he represented where the issue of the decedent's grandparents and the only persons entitled to inherit the estate. Objector believes that the persons who waived the bond are the issue of the great-grandparents of the decedent and, therefore, not the 1st cousins as represented by the Petitioner. Petitioner has not shown that he made any attempt to determine if there were closer heirs before obtaining waivers of bond.

Wherefore Objector prays that:

1. The Petition be denied.
2. That the Petitioner's actions as Administrator not be confirmed or approved;
3. That the Petitioner be ordered to provide a more complete and correct accounting of his actions as Administrator;
4. That the Court reserve jurisdiction to determine if the Petitioner should be surcharged for his actions as Administrator.

Atty Poochigian, Mark S., of Baker Manock & Jensen (for Petitioner Raymond Lynch, Jr.)
 Atty Fanucchi, Edward L., of Quinlan, Kershaw & Fanucchi (Court-appointed for Conservatee)

Petition for Authority to Place Conservatee in a Secured Perimeter Facility

Age: 81 years		RAYMOND LYNCH, JR. , son and Conservator of the Person and Estate appointed on 12/3/2012, is Petitioner. Petitioner states: <ul style="list-style-type: none"> The Conservatee has dementia and would benefit from placement in a locked and secured nursing facility which specializes in the care and treatment of people with dementia under Health and Safety Code § 1569.691(c), and which has a care plan that meets the requirements of former § 87724 of Title 22 of the California Code of Regulations ("Section 2356.5 facility"); Placement in a locked facility is the least restrictive placement appropriate to the needs of the Conservatee; Petitioner proposes to place the Conservatee in GOLDEN LIVING CENTER, Fresno, or other appropriate facility; The Conservatee lacks the capacity to give informed consent to the placement; The Conservatee has at least one mental function deficit under Probate Code § 811(a), and this deficit significantly impairs the Conservatee's ability to understand and appreciate the consequences of her actions; 	NEEDS/PROBLEMS/COMMENTS: Note: Probate Code § 2356.5(f) provides regarding petitions for authority for placement in a secured facility that: (1) The Conservatee shall be represented by an attorney; (2) The Conservatee shall be produced at the hearing unless excused pursuant to Probate Code § 1893; and (3) The petition shall be supported by a declaration of a licensed physician with at least 2 years' experience in diagnosing dementia, regarding each of the findings to be made by the Court by clear and convincing evidence under Probate Code § 2356.5(b)(1) through (b)(4). It appears based upon the pleadings that the <i>Petition</i> addresses each of the requirements in support of Petitioner's request, including the production of the Conservatee at the hearing which appears to be excused under Probate Code § 1893(b) per Item 5(b)(2) of the <i>Capacity Declaration</i> of Dr. Sams attached to the <i>Petition</i> .
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Capacity Dec.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

~Please see additional page~

Reviewed by: LEG
Reviewed on: 9/19/14
Updates:
Recommendation:
File 5 - Lynch

Petitioner states, continued:

- **DR. O'KEY I. SAMS** has at least 2 years of experience in diagnosing dementia; copy of *Capacity Declaration* [dated 8/11/2014] completed by Dr. Sams and attached as *Exhibit A* contains the following information [as required pursuant to Probate Code §2356.5(b)(1) through (b)(4) and § 2356.5(f)(3)]:
 - The deficit in the Conservatee's impaired mental functions;
 - The correlation between the mental function deficit and the Conservatee's inability to respond knowingly and intelligently to queries about the recommended medical treatment or inability to participate in a treatment decision about the recommended placement by means of a rational thought process;
 - A statement of opinion that the Conservatee lacks the capacity to give informed consent to the placement, and that the Conservatee needs or would benefit from the proposed placement, and that the proposed placement in a Section 2356.5 facility is the least restrictive placement appropriate to the needs of the Conservatee.

Petitioner prays for an order that the Conservator be authorized and directed to place the Conservatee in a locked and/or secured nursing facility which specializes in the care and treatment of people with dementia under Health and Safety Code § 1569.691(c).

DOD: 02/14/13	JUDGE SINGH BRAR , son, was appointed Executor with full IAEA and without bond on 06/12/13. Letters Testamentary were issued on 06/12/13.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 081514	Inventory & Appraisal, final, filed 08/27/13 - \$2,711,583.00	<u>CONTINUED FROM 08/15/14</u>
Aff.Sub.Wit.		1. Need Accounting/Report of Administration and Petition for Final Distribution.
Verified		
Inventory	Inventory & Appraisal, Supplemental No. 1, filed 12/11/13 -\$171,804.95	
PTC		
Not.Cred.	Inventory & Appraisal, Supplemental No. 1 corrected, filed 05/12/14 - \$101,043.95	
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Status Report filed 09/09/14 states: a State Income Tax Clearance Certificate is required. A 90 day continuance is requested to continue working with an accountant on the tax returns.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 09/19/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 6 – Brar

Atty Bagdasarian, Gary G. (for Nancy Hamilton – former Administrator)

Atty Kruthers, Heather H. (for Public Administrator – Special Administrator/Petitioner)

Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estate Act (Prob.C.8002,10450)

DOD: 10/03/13		PUBLIC ADMINISTRATOR , is Petitioner and requests appointment as Administrator with full IAEA and without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		PUBLIC ADMINISTRATOR was appointed Special Administrator (Ex Parte) on 08/20/14.	<p>Note: A status hearing for filing the First/Final Account and Petition for Distribution is set for 03/20/15.</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Petition to Administer Estate</i> for Nancy Hamilton. (Petitioner states that her whereabouts are unknown, Gary Bagdasarian (attorney for Nancy Hamilton) was provided with notice).</p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Order Suspending Powers of Former Administrator was signed/filed on 08/20/14.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Full IAEA – Previously published by former administrator.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Decedent died intestate	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	Residence: Fresno Publication: The Business Journal (by former Administrator)	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Estimated Value of the Estate: Real Property - \$145,000.00	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	Probate Referee: STEVEN DIEBERT	
<input type="checkbox"/>	Duties/Supp n/a		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 09/22/14
			Updates:
			Recommendation:
			File 7 - Morris

DOD: 06/30/2013	ROBERT LEE ADAMS , was appointed Executor with full IAEA authority, with bond set at \$13,000.00 on 04/16/2014.	NEEDS/PROBLEMS/COMMENTS:
		1. Need Final Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from 081514	Bond was filed 05/20/2014 in the amount of \$13,000.00.	
Aff.Sub.Wit.		
Verified	Letters were issued on 05/20/2014.	
Inventory		
PTC	Inventory & Appraisal Partial No. 1 showing a value of \$569,418.26 filed 08/21/2014.	
Not.Cred.		
Notice of Hrg	Minute Order of 04/16/2014 set this status hearing for the filing of the Inventory and Appraisal.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 09/22/2014
		Updates:
		Recommendation:
		File 8 – Edmonds

Atty Lucich, Jr., Nicholas L. (of Helon & Mandredo, for Howard J. DeMera, Trustee)
 Atty Keeler, Jr., William J. (of Garvey Schubert Barer, also for Howard J. DeMera, Trustee)

Petition for Settlement and Approval of Trustee's Account

		<p>HOWARD J. DEMERA, Trustee, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> On 4/11/2003, JOSEPH F. DESMOND as Trustor and Grantor, executed a Trust Agreement establishing the MARGARET A. HUGHES IRREVOCABLE TRUST IV, of which the Petitioner is named as Trustee (<i>copy of the HUGHES TRUST IV attached at Exhibit I</i>); MARGARET A. HUGHES is the adult daughter of Trustor JOSEPH F. DESMOND, who also had one other daughter, JOAN D. GASKINS; Mr. Desmond also established on 4/11/2003 the JOAN D. GASKINS IRREVOCABLE TRUST III; both trusts were created as part of his estate plan; Mr. Desmond made gifts to these trust and the trusts also acquired interests in two of Mr. Desmond's business entities (J.F Desmond Family Limited Partnership and Desmond Family Real Estate Limited Partnership); Petitioner has previously provided an accounting to MARGARET A. HUGHES, who is the present income beneficiary of the HUGHES TRUST IV and the only person to whom an account is required, and Petitioner has reviewed the accounting with her; Trustee desires to present his accounting for settlement and to provide copies and notice of the accounting to contingent trust beneficiaries; Exhibits II, III and IV together make up Petitioner's accounting of the HUGHES TRUST IV for the period from 4/11/2003 through 12/31/2011, as follows: <p><u>Account period: 4/11/2003 – 12/31/2008</u></p> <table> <tr> <td>Accounting</td> <td>-</td> <td align="right">\$1,136,201.95</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td align="right">\$ 20,000.00</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td align="right">\$ 989,761.76</td> </tr> </table> <p><u>Account period: 1/1/2009 – 12/31/2010</u></p> <table> <tr> <td>Accounting</td> <td>-</td> <td align="right">\$1,077,973.40</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td align="right">\$ 989,761.76</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td align="right">\$ 986,016.00</td> </tr> </table> <p><u>Account period: 1/1/2011 – 12/31/2011</u></p> <table> <tr> <td>Accounting</td> <td>-</td> <td align="right">\$1,036,737.25</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td align="right">\$ 986,016.00</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td align="right">\$ 989,184.74</td> </tr> </table> <p>Wherefore, Petitioner prays for an order of this Court:</p> <ol style="list-style-type: none"> Settling, allowing and approving the account and report of Petitioner as Trustee as filed; Confirming and approving all acts and proceedings of Petitioner as Trustee. 	Accounting	-	\$1,136,201.95	Beginning POH	-	\$ 20,000.00	Ending POH	-	\$ 989,761.76	Accounting	-	\$1,077,973.40	Beginning POH	-	\$ 989,761.76	Ending POH	-	\$ 986,016.00	Accounting	-	\$1,036,737.25	Beginning POH	-	\$ 986,016.00	Ending POH	-	\$ 989,184.74	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 9 through Page 15 are related cases.</p>																																									
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10 Joan Gaskins Irrevocable Trust

Case No. 14CEPR00689

Atty Lucich, Jr., Nicholas L. (of Helon & Manfredo, for Howard J. DeMera, Trustee)
 Atty Keeler, Jr., William J. (of Garvey Schubert Barer, also for Howard J. DeMera, Trustee)

Petition for Settlement and Approval of Trustee's Account

		HOWARD J. DEMERA, Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:																											
		Petitioner states:																												
		<ul style="list-style-type: none"> On 10/15/1993, JOSEPH F. DESMOND and EDNA F. DESMOND, as Trustors and Grantors, executed a Trust Agreement establishing the JOAN D. GASKINS IRREVOCABLE TRUST, of which the Petitioner is named as Trustee (copy of the GASKINS TRUST attached as Exhibit I); JOAN D. GASKINS is the adult daughter of Trustors JOSEPH F. DESMOND and EDNA F. DESMOND, who also had one other daughter, MARGARET A. HUGHES; Mr. and Mrs. Desmond made gifts to these trust and the trusts also acquired interests in two of Mr. Desmond's business entities (J.F Desmond Family Limited Partnership and Desmond Family Real Estate Limited Partnership); Petitioner has previously provided an accounting to JOAN D. GASKINS, who is the present income beneficiary of the GASKINS TRUST and the only person to whom an account is required, and Petitioner has reviewed the accounting with her; Trustee desires to present his accounting for settlement and to provide copies and notice of the accounting to contingent trust beneficiaries; Exhibits II, III and IV together make up Petitioner's accounting of the GASKINS TRUST for the period from 10/15/1993 through 12/31/2011, as follows: 	Page 9 through Page 15 are related cases.																											
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Petition for Settlement and Approval of Trustee's Account

		HOWARD J. DEMERA, Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:																											
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		<ul style="list-style-type: none"> On 9/26/1997, JOSEPH F. DESMOND, as Trustor and Grantor, executed a Trust Agreement establishing the JOAN D. GASKINS IRREVOCABLE TRUST II, of which the Petitioner is named as Trustee (copy of the GASKINS TRUST II attached as Exhibit I); JOAN D. GASKINS is the adult daughter of Trustor JOSEPH F. DESMOND, who also had one other daughter, MARGARET A. HUGHES, for whom he established the MARGARET A. HUGHES IRREVOCABLE TRUST III; the GASKINS TRUST II and the HUGHES TRUST III were named as principal beneficiaries of estate planning trusts created by Mr. and Mrs. Desmond, and the trusts received substantial distributions after Mr. Desmond's death in August 2007; Petitioner has previously provided an accounting to JOAN D. GASKINS, who is the present income beneficiary of the GASKINS TRUST II and the only person to whom an account is required, and Petitioner has reviewed the accounting with her; Trustee desires to present his accounting for settlement and to provide copies and notice of the accounting to contingent trust beneficiaries; Exhibits II, III and IV together make up Petitioner's accounting of the GASKINS TRUST for the period from 9/26/1997 through 12/31/2011, as follows: 	Page 9 through Page 15 are related cases.																											
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Accounting	-	\$222,799.53																												
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Petition for Settlement and Approval of Trustee's Account

			HOWARD J. DEMERA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Page 9 through Page 15 are related cases.
			Petitioner states:	
			<ul style="list-style-type: none"> On 10/15/1993, JOSEPH F. DESMOND and EDNA F. DESMOND, as Trustors and Grantors, executed a Trust Agreement establishing the MARGARET A. HUGHES IRREVOCABLE TRUST, of which the Petitioner is named as Trustee (copy of the HUGHES TRUST attached as Exhibit I); MARGARET A. HUGHES is the adult daughter of Trustor JOSEPH F. DESMOND, who also had one other daughter, JOAN D. GASKINS; Mr. Desmond and Mrs. Desmond also established on 10/15/1993 the JOAN D. GASKINS IRREVOCABLE TRUST; both trusts were created as part of his estate plan; Mr. Desmond made gifts to these trust and the trusts also acquired interests in two of Mr. Desmond's business entities (J.F Desmond Family Limited Partnership and Desmond Family Real Estate Limited Partnership); Petitioner has previously provided an accounting to MARGARET A. HUGHES, who is the present income beneficiary of the HUGHES TRUST and the only person to whom an account is required, and Petitioner has reviewed the accounting with her; Trustee desires to present his accounting for settlement and to provide copies and notice of the accounting to contingent trust beneficiaries; Exhibits II, III and IV together make up Petitioner's accounting of the HUGHES TRUST for the period from [10/15/1993] through 12/31/2011, as follows: 	
Cont. from			Account period: 10/15/1993 – 12/31/2008	
	Aff.Sub.Wit.		Accounting - \$760,548.28	
✓	Verified		Beginning POH - \$ 7,978.00	
	Inventory		Ending POH - \$751,044.28	
	PTC		Account period: 1/1/2009 – 12/31/2010	
	Not.Cred.		Accounting - \$852,165.25	
✓	Notice of Hrg		Beginning POH - \$751,044.28	
✓	Aff.Mail	W/	Ending POH - \$768,186.03	
	Aff.Pub.		Account period: 1/1/2011 – 12/31/2011	
	Sp.Ntc.		Accounting - \$987,777.27	
✓	Pers.Serv.	W/	Beginning POH - \$768,186.03	
	Conf. Screen		Ending POH - \$635,332.57	
	Letters		Wherefore, Petitioner prays for an order of this Court:	
	Duties/Supp		7. Settling, allowing and approving the account and report of Petitioner as Trustee as filed;	
	Objections		8. Confirming and approving all acts and proceedings of Petitioner as Trustee.	
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: LEG
				Reviewed on: 9/22/14
				Updates:
				Recommendation:
				File 12 - Hughes

Atty Lucich, Jr., Nicholas L. (of Helon & Manfredo, for Howard J. DeMera, Trustee)
 Atty Keeler, Jr., William J. (of Garvey Schubert Barer, also for Howard J. DeMera, Trustee)

Petition for Settlement and Approval of Trustee's Account

		<p>HOWARD J. DEMERA, Trustee, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> On 2/18/1999, JOSEPH F. DESMOND, as Trustor and Grantor, executed a Trust Agreement establishing the MARGARET A. HUGHES IRREVOCABLE TRUST III, of which the Petitioner is named as Trustee (copy of the HUGHES TRUST III attached as Exhibit I); MARGARET A. HUGHES is the adult daughter of Trustor JOSEPH F. DESMOND, who also had one other daughter, JOAN D. GASKINS; Mr. Desmond also established on 9/26/1997 the JOAN D. GASKINS IRREVOCABLE TRUST II; both trusts were created as part of his estate plan; the GASKINS TRUST II and the HUGHES TRUST III were named as principal beneficiaries of estate planning trusts created by Mr. Desmond and Mrs. Desmond, and the trusts received substantial distributions after Mr. Desmond's death in August 2007; Petitioner has previously provided an accounting to MARGARET A. HUGHES, who is the present income beneficiary of the HUGHES TRUST III and the only person to whom an account is required, and Petitioner has reviewed the accounting with her; Trustee desires to present his accounting for settlement and to provide copies and notice of the accounting to contingent trust beneficiaries; Exhibits II, III and IV together make up Petitioner's accounting of the HUGHES TRUST III for the period from 2/18/1999 through 12/31/2011, as follows: <p>Account period: 2/18/1999 – 12/31/2008</p> <table> <tr> <td>Accounting</td> <td>-</td> <td align="right">\$222,798.56</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td align="right">\$ 307.48</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td align="right">\$222,798.56</td> </tr> </table> <p>Account period: 1/1/2009 – 12/31/2010</p> <table> <tr> <td>Accounting</td> <td>-</td> <td align="right">\$237,624.08</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td align="right">\$222,798.56</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td align="right">\$228,537.98</td> </tr> </table> <p>Account period: 1/1/2011 – 12/31/2011</p> <table> <tr> <td>Accounting</td> <td>-</td> <td align="right">\$8,199,686.27</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td align="right">\$228,537.98</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td align="right">\$7,120,463.03</td> </tr> </table> <p>Wherefore, Petitioner prays for an order of this Court:</p> <p>9. Settling, allowing and approving the account and report of Petitioner as Trustee as filed;</p> <p>10. Confirming and approving all acts and proceedings of Petitioner as Trustee.</p>	Accounting	-	\$222,798.56	Beginning POH	-	\$ 307.48	Ending POH	-	\$222,798.56	Accounting	-	\$237,624.08	Beginning POH	-	\$222,798.56	Ending POH	-	\$228,537.98	Accounting	-	\$8,199,686.27	Beginning POH	-	\$228,537.98	Ending POH	-	\$7,120,463.03	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 9 through Page 15 are related cases.</p>																									
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Ending POH	-	\$7,120,463.03																																																					
<table border="1"> <tr><td colspan="2">Cont. from</td></tr> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>✓ Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>✓ Notice of Hrg</td><td></td></tr> <tr><td>✓ Aff.Mail</td><td>W/</td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>✓ Pers.Serv.</td><td>W/</td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>✓ Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>		Cont. from		Aff.Sub.Wit.		✓ Verified		Inventory		PTC		Not.Cred.		✓ Notice of Hrg		✓ Aff.Mail	W/	Aff.Pub.		Sp.Ntc.		✓ Pers.Serv.	W/	Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		✓ Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<table border="1"> <tr><td>Reviewed by: LEG</td></tr> <tr><td>Reviewed on: 9/22/14</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 13 - Hughes</td></tr> </table>	Reviewed by: LEG	Reviewed on: 9/22/14	Updates:	Recommendation:	File 13 - Hughes
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Recommendation:																																																							
File 13 - Hughes																																																							

Atty Lucich, Jr., Nicholas L. (of Helon & Manfredo, for Howard J. DeMera, Trustee)
 Atty Keeler, Jr., William J. (of Garvey Schubert Barer, also for Howard J. DeMera, Trustee)

Petition for Settlement and Approval of Trustee's Account

			HOWARD J. DEMERA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Page 9 through Page 15 are related cases.																										
			Petitioner states:																											
			<ul style="list-style-type: none"> On 4/11/2003, JOSEPH F. DESMOND, as Trustor and Grantor, executed a Trust Agreement establishing the JOAN D. GASKINS IRREVOCABLE TRUST III, of which the Petitioner is named as Trustee (copy of the GASKINS TRUST III attached as Exhibit I); JOAN D. GASKINS is the adult daughter of Trustor JOSEPH F. DESMOND, who also had one other daughter, MARGARET A. HUGHES, for whom he established the MARGARET A. HUGHES IRREVOCABLE TRUST IV; the GASKINS TRUST III and the HUGHES TRUST IV were created as part of his estate plan; Mr. Desmond made gifts to these trust and the trusts also acquired interests in two of Mr. Desmond's business entities (Wendy's Fresno/Santa Clara and Peninsula Foods); Petitioner has previously provided an accounting to JOAN D. GASKINS, who is the present income beneficiary of the GASKINS TRUST III and the only person to whom an account is required, and Petitioner has reviewed the accounting with her; Trustee desires to present his accounting for settlement and to provide copies and notice of the accounting to contingent trust beneficiaries; Exhibits II, III and IV together make up Petitioner's accounting of the GASKINS TRUST III for the period from 4/11/2003 through 12/31/2011, as follows: 																											
Cont. from																														
	Aff.Sub.Wit.																													
✓	Verified																													
	Inventory																													
	PTC																													
	Not.Cred.																													
✓	Notice of Hrg																													
✓	Aff.Mail	W/																												
	Aff.Pub.																													
	Sp.Ntc.																													
✓	Pers.Serv.	W/																												
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✓	Order																													
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	Status Rpt																													
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	Citation																													
	FTB Notice																													
			<p>Account period: 4/11/2003 – 12/31/2008</p> <table> <tr> <td>Accounting</td> <td>-</td> <td>\$1,136,201.95</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$ 20,000.00</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$989,761.77</td> </tr> </table> <p>Account period: 1/1/2009 – 12/31/2010</p> <table> <tr> <td>Accounting</td> <td>-</td> <td>\$1,080,511.05</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$989,761.77</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$985,085.85</td> </tr> </table> <p>Account period: 1/1/2011 – 12/31/2011</p> <table> <tr> <td>Accounting</td> <td>-</td> <td>\$1,035,869.55</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$ 985,085.85</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$ 988,253.15</td> </tr> </table> <p>Wherefore, Petitioner prays for an order of this Court:</p> <ol style="list-style-type: none"> Settling, allowing and approving the account and report of Petitioner as Trustee as filed; Confirming and approving all acts and proceedings of Petitioner as Trustee. 	Accounting	-	\$1,136,201.95	Beginning POH	-	\$ 20,000.00	Ending POH	-	\$989,761.77	Accounting	-	\$1,080,511.05	Beginning POH	-	\$989,761.77	Ending POH	-	\$985,085.85	Accounting	-	\$1,035,869.55	Beginning POH	-	\$ 985,085.85	Ending POH	-	\$ 988,253.15
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				Recommendation:																										
				File 14 - Gaskins																										

Atty Lucich, Jr., Nicholas L. (of Helon & Manfredo, for Howard J. DeMera, Trustee)

Atty Keeler, Jr., William J. (of Garvey Schubert Barer, also for Howard J. DeMera, Trustee)

Petition for Settlement and Approval of Trustee's Account

Edna DOD: 6/9/1996	HOWARD J. DEMERA , Trustee, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: Page 9 through Page 15 are related cases.
Joseph DOD: 8/19/2007	Petitioner states: <ul style="list-style-type: none"> On 7/29/1987, JOSEPH F. DESMOND and EDNA F. DESMOND, as Trustors and Grantors, executed a Trust Agreement establishing the JOSEPH F. DESMOND 1987 FAMILY TRUST, which the Trustors created as a part of their estate plan (copy of "1987 FAMILY TRUST" attached as Exhibit I); Mr. Desmond and Mrs. Desmond made gifts to the trust and the trust acquired life insurance policies on Mr. Desmond's life; Petitioner has previously provided an accounting to the 1987 FAMILY TRUST beneficiaries, the Settlor's daughters JOAN D. GASKINS and MARGARET A. HUGHES, and reviewed the accounting with them; Trustee desires to present his accounting for settlement and to provide copies and notice of the accounting to the children of JOAN D. GASKINS and MARGARET A. HUGHES, who are also trust beneficiaries; Exhibits II, III IV and V together make up Petitioner's accounting of the 1987 FAMILY TRUST for the period from 7/1/1989 through 5/17/2011, as follows: 		
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	W/		
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Account period: 7/20/1989 – 3/31/1996 Accounting - \$767,683.42 Beginning POH - \$ 303.62 Ending POH - \$397,109.05 Account period: 3/31/1996 – 3/14/2001 Accounting - \$1,055,089.18 Beginning POH - \$ 397,109.05 Ending POH - \$ 584,914.63 Account period: 3/15/2001 – 12/31/2008 Accounting - \$6,393,585.53 Beginning POH - \$ 584,914.63 Ending POH - \$2,733,252.63 Account period: 1/1/2009 – 5/17/2011 Accounting - \$5,668,338.52 Beginning POH - \$2,733,252.63 Ending POH - \$ 15,141.09			
Wherefore, Petitioner prays for an order of this Court: 13. Settling, allowing and approving the account and report of Petitioner as Trustee as filed; 14. Confirming and approving all acts and proceedings of Petitioner as Trustee.			Reviewed by: LEG Reviewed on: 9/22/14 Updates: Recommendation: File 15 - Desmond

First Amended Account and Report of Conservator of Estate, Petition for Approval

		CHARLOTTE A. YOUNG , Daughter and Conservator without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. <u>Need amended accounting.</u> The Accounting as presented does not meet the requirements of Probate Code §§ 2620, 1060. <u>Issues include but are not limited to:</u> - Accounting does not balance - Beginning property on hand (POH) does not match the Inventory and Appraisal - Petitioner does not include most the required schedules (receipts, disbursements, POH) on Mandatory Judicial Council form - Petitioner does not provide account statements - Petitioner does not provide statements from the care home 2. <u>Need Notice of Hearing to interested parties pursuant to Probate Code §§1460, 1461.5 (including to the Office of Veterans Administration).</u> 3. <u>The Court does not authorize payments to non-attorney document services used by conservators in pro per from estate funds. Any payments made to a document preparation service from the conservatorship estate should be refunded immediately.</u> <u>Again, Petitioner is strongly encouraged to seek attorney assistance to prepare accountings.</u>
		Account period: 5-12-13 through 6-30-14	
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting: ?? (An accounting is not provided in accordance with Probate Code §§ 2620, 1060.)	
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Beginning POH: Not stated Ending POH: \$748.32	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	Conservator states she has paid Legal Tech \$200.00 and \$250.00 remains due.	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Conservator requests \$50.00/month for her reasonable services as conservator.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: skc
Reviewed on: 9-22-14
Updates:
Recommendation:
File 16 - Desmond

17 **Star Taniesha Ann Ringer (GUARD/P)**
 Atty **Bedwell, Tanner (Pro Per – Petitioner – Maternal Uncle)**
 Atty **Bedwell, Jeanette (Pro Per – Petitioner – Maternal Aunt)**

Case No. 14CEPR00639

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 11		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		TANNER BEDWELL , maternal uncle, and JEANETTE BEDWELL , maternal aunt, are petitioners.		1. Need Notice of Hearing.	
		Father: ANTHONY GONZALES , Declaration of Due Diligence filed on 09/09/2014		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Anthony Gonzales (Father) – Unless Court dispenses with notice. Note: Declaration of Due Diligence filed 09/09/2014 states that she has never known or had contact with this person.	
Cont. from		Mother: ERIKA C. PEAY , Consents and Waives Notice		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Aurthur Gonzales, Sr. (Paternal Grandfather) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence filed 09/09/2014 states she has never had contact or known this person. <ul style="list-style-type: none"> • Joni (Last name unknown) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence filed 09/09/2014 states she has never had contact or known this person. <ul style="list-style-type: none"> • Robert Ringer (Maternal Grandfather) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence filed 09/09/2014 states the last contact the petitioner had with him was when she was nine years old. She has no information of where to locate him.	
	Aff.Sub.Wit.		Paternal Grandfather: Aurthur Gonzales, Sr., Declaration of Due Diligence filed 09/09/2014		
✓	Verified		Paternal Grandmother: Joni (Last name unknown), Declaration of Due Diligence filed 09/09/2014		
	Inventory		Maternal Grandfather: Robert Ringer, Declaration of Due Diligence filed 09/09/2014		
	PTC		Maternal Grandmother: Donna Ferrozzo, Consents and Waives Notice		
	Not.Cred.				
	Notice of Hrg	X			
	Aff.Mail	X			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
✓	Conf. Screen				
✓	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order		Petitioner states the mother resides in Utah and is unable to provide the care needed. Petitioners are able to provide the child with a structured and stable home with boundaries that she needs. Petitioners state that the mother would like for the child to be in a place that is able to help her with her ADHD and the petitioners state they can help her.		
	Aff. Posting		Court Investigator Samantha D. Henson's report filed 09/09/2014.		
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 09/22/2014	
				Updates:	
				Recommendation:	
				File 17 - Ringer	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 4 months		<u>TEMPORARY EXPIRES 09/24/2014</u>		NEEDS/PROBLEMS/COMMENTS:	
		SYCHANH PHETCHUMPORN , Aunt, is Petitioner.		1. Need Notice of Hearing.	
Cont. from		Father: "NONE" Declaration of Due Diligence filed 08/04/2014		2. Petitioner states "None" when asked for the father's identity. Need clarification. Notice to the father is required. Need proof of service of Notice of Hearing with a copy of the petition on the father pursuant to Probate Code §2250(e) or declaration of due diligence or consent and waiver of notice.	
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: FANNIE CHINDAPHETH - Consents and waives notice		Note: Declaration of Due Diligence filed 08/04/2014 states that the father of the minor is unknown.	
<input checked="" type="checkbox"/>	Verified			3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input type="checkbox"/>	Inventory	Paternal Grandfather: "None"		<ul style="list-style-type: none"> • Paternal Grandfather (Not listed) • Paternal Grandmother (Not listed) • Maternal Grandfather (Not listed) 	
<input type="checkbox"/>	PTC	Paternal Grandmother: "None"		Note: Declaration of Due Diligence filed 08/04/2014 listing Khamla Chindapheth (Grandpa) states petitioner has no idea where he is at.	
<input type="checkbox"/>	Not.Cred.	Maternal Grandfather: "None"			
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	Maternal Grandmother: Khamphiane Chindapheth - Consents and waives notice		
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>			
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	Petitioner states she feels the mother is under the influence of drugs and alcohol and is not capable of caring for the infant. The family is financially unstable. The infant needs to go to the doctor.		
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>			
<input type="checkbox"/>	Objections	<input type="checkbox"/>	Court Investigator Jennifer Daniel's report filed 09/12/2014		
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>			
<input type="checkbox"/>	9202	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>			
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		Reviewed by: LV	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		Reviewed on: 09/22/2014	
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>		Updates:	
<input type="checkbox"/>	Citation	<input type="checkbox"/>		Recommendation:	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		File 18 - Chindapheth	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 14		<u>TEMPORARY EXPIRES 9-24-14</u>		NEEDS/PROBLEMS/COMMENTS:	
		SABRINA ANNE GARCIA , Sister, is Petitioner.		1. Need Notice of Hearing.	
		Father: FREDDIE DOMINGUEZ Mother: SANDRA DOMINGUEZ		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
Cont. from		Paternal Grandfather: Not listed Paternal Grandmother: Not listed Maternal Grandfather: Not listed Maternal Grandmother: Not listed		<ul style="list-style-type: none"> • Freddie Dominguez (Father) • Sandra Dominguez (Mother) 	
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>		<ul style="list-style-type: none"> • Paternal Grandfather (Not Listed) • Paternal Grandmother (Not Listed) • Maternal Grandfather (Not Listed) • Maternal Grandmother (Not Listed) 	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>		4. The UCCJEA (Form GC-120) is incomplete. Need minor's residence history for the past five (5) years.	
<input type="checkbox"/>	PTC	<input type="checkbox"/>			
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>			
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>			
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>			
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>			
<input type="checkbox"/>	Objections	<input type="checkbox"/>			
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>			
<input type="checkbox"/>	9202	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>			
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>			
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>			
<input type="checkbox"/>	Citation	<input type="checkbox"/>			
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>			

Atty **Barker, Julie (Pro Per – Sister – Petitioner)**
Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

			GENERAL HEARING 11-17-14	NEEDS/PROBLEMS/COMMENTS:
			JULIE BARKER , Sister, is Petitioner.	1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the Temp Petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Lloyd Barker (Father) - Marie Barker (Mother) - Alexis Barker (Minor) - Hannah Barker (Minor) - Caleb Barker (Minor)
			Father: LLOYD BARKER Mother: MARIE BARKER	
	Aff.Sub.Wit.		Paternal Grandfather: Virgil Barker, Sr. Paternal Grandmother: Hazel Barker	
✓	Verified		Maternal Grandfather: Salvador Garcia Maternal Grandmother: Virginia Garcia - Deceased	
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail		Additional siblings: Justin Barker, Ashley Barker	
	Aff.Pub.			
	Sp.Ntc.		Petitioner states [redacted]	
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 9-22-14
				Updates:
				Recommendation:
				File 20 - Barker

Alex, 4		<p>NORMA LEYVA, paternal grandmother, is Petitioner.</p> <p>CARESS GUTIERREZ, maternal aunt, was appointed guardian of the minors on 03/25/14.</p> <p>Father: ALEX ORTIZ – served by mail on 07/20/14 Mother: SELINA GUTIERREZ – served by mail on 07/20/14</p> <p>Paternal grandfather: PABLO ORTIZ</p> <p>Maternal grandfather: DECEASED Maternal grandmother: LORETTA GUTIERREZ – served by mail on 07/20/14</p> <p>Petitioner states the current guardian placed the children in her care on 06/20/14 due to the children not adjusting well. Guardian's son did not adjust well to having more children in his home and was hurting Alex, Jr. Fresno PD and CPS investigated and recommended that the children stay with petitioner or they would remove the children from guardian's home.</p> <p>Court Investigator Samantha Henson filed a report on 08/22/14.</p> <p>Court Investigator Samantha Henson filed a Supplemental Report on 09/12/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This matter will be heard at 10:00am.</p> <p><u>CONTINUED FROM 08/28/14</u> Minute Order from 08/28/14 states: Loreta Gutierrez is also present. Guardian will continue to be the guardian with the minors staying with Ms. Leyva. Parties are to work together and get the children into school. The Court investigator is to do any investigation she finds appropriate including checking with CPS. Mediation today at 10:30.</p> <p>1. Need proof of service by mail of <u>Notice of Hearing</u> or Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Pablo Ortiz (paternal grandfather)</p>	
Julian, 3				
Cont. from 082814				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: JF
Reviewed on: 09/22/14
Updates:
Recommendation:
File 1A - Ortiz

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Alex, 4		NORMA LEYVA , paternal grandmother, is Petitioner. CARESS GUTIERREZ , maternal aunt, was appointed guardian of the minors on 03/25/14. Father: ALEX ORTIZ – <i>Consent & Waiver of Notice filed 06/26/14</i> Mother: SELINA GUTIERREZ – <i>personally served on 06/26/14</i> Paternal grandfather: PABLO ORTIZ Maternal grandfather: DECEASED Maternal grandmother: LORETTA GUTIERREZ Petitioner states the parents are unable to care for them and the current guardian's child was unable to handle sharing his mother and became abusive to the minors. The father is currently in rehab and the mother has not taken care of her criminal charges or her drug problem. Court Investigator Samantha Henson filed a report on 08/22/14. Court Investigator Samantha Henson filed a Supplemental Report on 09/12/14.	NEEDS/PROBLEMS/COMMENTS: This matter will be heard at 10:00 am. <u>CONTINUED FROM 08/28/14</u> Minute Order from 08/28/14 states: Loreta Gutierrez is also present. Guardian will continue to be the guardian with the minors staying with Ms. Leyva. Parties are to work together and get the children into school. The Court investigator is to do any investigation she finds appropriate including checking with CPS. Mediation today at 10:30. 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: a. Pablo Ortiz (paternal grandfather) b. Loretta Gutierrez (maternal grandmother)
Julian, 3			
Cont. from 082814			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: JF Reviewed on: 09/22/14 Updates: Recommendation: File 1B - Ortiz			